

January 3, 2008

Atlantic Management Group, LLC
1151 Aquidneck Avenue
Middletown, Rhode Island 02842

Re: Tiverton Zoning Board Relief; Map 6-2, Block/Plat 82, Card/Lot 34

The following is the decision on your petition heard by the Zoning Board of Review (the "Board") on January 2, 2008 for a variance from Article XIV, Section 5.d. and Article X, Section 1 of the Tiverton Zoning Ordinance to construct a second floor addition to an existing structure on property located at 1780 Main Road, Tiverton, Rhode Island, at Map 6-2, Block/Plat 82, Lot 34 (the "Premises"), whereby expanding a legal non-conforming structure by dimension with less than required parking spaces than are currently allowed in a GC zone.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, made the following findings:

1. That the Premises contains approximately 5,900 square feet of land area, more or less, zoned GC.
2. That the petitioner desires to construct an addition to the existing structure located on the Premises and use the additional building area for commercial rental.
3. That the petitioner testified that the existing structure was functionally adequate but that additional rental area was desired on the second floor area.
4. That the structure on the Premises already exceeds the maximum lot coverage requirement for the district, lacks sufficient off-street parking, has inadequate access and that the proposal will intensify the pre-existing non-conformities.
5. That the petitioner offered no evidence to show that the hardships to meet the parking requirements and setbacks were not self imposed.
6. The one expert witnesses presented by the petitioner did not adequately address the standards of relief for the sought after variances.

7. Several objectors were present who testified that the proposal would worsen the existing inadequate parking situation and would cause increased traffic and pedestrian hazards.
8. The Board did not find the factual statements and opinions of the petitioner or his expert witness credible. The Board did not find any basis that the hardship was not self-imposed or that the proposal was not advanced primarily for the financial gain of the petitioner.

Based on the foregoing, the Board voted unanimously to deny the petitioner's application for variances, as follows:

- a. Special conditions and circumstances do not exist which are special and peculiar to the land or structure involved, and which are applicable to other lands or structures in the same zoning district, and are due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would not result in an unnecessary hardship on the petitioner.
- c. The unnecessary hardship, which the petitioner seeks to avoid, has been imposed by prior action of the petitioner and is based purely for monetary gain or loss.
- d. The granting of the requested variance will alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is not the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
- g. That the hardship that will be suffered by the petitioner of the subject property if the dimensional variances are not granted do not amount to more than a mere inconvenience.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins when this decision is recorded and posted with the Town Clerk's Office).

Sincerely,

David Collins, Chairman
Tiverton Zoning Board of Review

Recorded 01-07-08
Book 1177 Pages 254 & 255

